Ernakulam sites.

235. Mr. A. B. Salem.—(1) With reference to an answer to a supplementary question during the last budget session, the Government stated in this House that they did not utilise the premises to the north of the European Nurses quartes at Ernakulam for the purpose for which they stated they acquired the same against the vote of this House, and will the Government be now pleased to state to what purpose the site has been since utilised;

(2) will the Government be pleased to state the total cost for acquiring these premises and;

(a) what is the cost paid for the buildings to the various parties interested in the same in the course of the acquisition;

(b) what are the respective amounts claimed by the parties and for which they have sought reference to the District Court;

(c) what was the amount budgetted for that acquisition, what was the excess amount already incurred for the acquisition over the budget estimate;

(3) have the Government considered the expression of views made on the floor of this House, regarding the excessive cost that this acquisition would bring to the Government before proceeding to acquire the same;

(4) under what provision of the Cochin Land Acquisition Regulation or under what provision of law did the Diwan order the immediate taking of possession of these premises prior to the passing of the award;

(5) what steps did the Revenue Department take to reduce the premises to possession;

(6) was any Police or Magisterial aid sought for by the Revenue Department to reduce any portion of these premises to possession and with what result;

(7) what is the amount paid by way of interest for taking possession prior to award;

(8) what provisions exist in the Cochin Account Code for surcharging those that cause unwarranted expenditure of Government money;

(9) if the Government has not yet utilished the premises and has no immediate use for them, will the Government be pleased to re-convey the site not wanted, to the former occupants thereof at reasonable valuation?

Mr. T. M. Krishna Menon.—(1) In the absence of the No. of the question referred to no definite answer could be given.

It is being used as the Office of the Chief Medical and Sanitary Officer.

LIBRARY ARCHIVES Kerala Legislative Assembly

(2) Rs. 22,964—8—0

	Rs.	as.	ps.
(a) Mr. A. A. Paul	7,014	8	7
,, M. I. Virkkey	86	4	0
,, A. A. George	5,491	6	0
,, A. B. Salem	763	3	0

(b) Mr. A. A. Paul Rs. 28,641—0—0 and 15% thereon for improvements.

Mr. A. A. George Rs. 26,156—8—0 and 15% thereon.

Mr. M. I. Varkkey Rs. 190—0—0 for improvements belonging to him.

Mr. A. B. Salem Rs. 894—0—0 and 15% thereon for improvements belonging to him. Also for 15% of the value of the main hall of the buildings occupied by him compensation for loss of rent and compensation for verumpattom right.

(c) Rs. 20,000—0—0

Rs. 2,964—2—0

(3) Yes.

(4) Under section 16 (I) of the Land Acquisition Regulation.

(5) The parties were asked to surrender the sites on the expiry of 15 days after publication of the notification under section (8) of the Regulation. All except one complied with the requisition. The latter surrendered the buildings after the award was passed.

6 No.

(7) The question is not quite intelligible. The amount of interest paid was Rs. 297—4—0.

(8) The provision is contained in Article 13, C. A. C. Among other things it says, 'In short the responsibility for an overcharge will rest primarily with the drawer of the bill, and failing recovery from him, the overcharge will be recovered from the Treasury officer or the countersigning officer only in the event of culpable negligence in either of them'.

(9) The site is being used and cannot be re-conveyed.

Mr. A. B. Salem.—Will the Government be now pleased to state for what purpose they acquired the house?

Mr. T. M. Krishna Menon.—I want notice.

Mr. A. B. Salem.—Will the Government be pleased to state what was the purpose known to the Diwan Peishkar when the land acquisition proceedings were launched?

Mr. T. M. Krishna Menon.—A reference is made to the declaration. The declaration gives the purpose.

Mr. A. B. Salem—The declaration only states that it is for a public purpose. Will the Government be pleased to state what that public purpose is?

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. T. M. Krishna Menon.—I want notice. I have not got all the papers.

Mr. A. B. Salem.—Will the Government be pleased to state to what purpose that place is being used?

Mr. T. M. Krishna Menon.—I have given the answer. It is being used as the Office of the Chief Medical and Sanitary Officer.

Mr. A. B. Salem.—Is the house in existence to-day?

Mr. T. M. Krishna Menon.—I have not verified.

Mr. A. B. Salem.—Has not the Diwan Peishkar seen the site?

Mr. T. M. Krishna Menon.—O, yes, I have.

Mr. A. B. Salem.—Has he seen the house?

Mr. T. M. Krishna Menon.—Portions only.

Mr. A. B. Salem.—Will the Government be pleased to state whether they have sold the materials of the House to the office for which the building was acquired?

Mr. T. M. Krishna Menon.—I want notice.

Mr. A. B. Salem.—Whether they have acquired all portions of all those buildings there?

Mr. T. M. Krishna Menon.—Notice.

Mr. A. B. Salem.—Government wants notice for all these things that are known to them. The main question has been answered evasively. That is why I am putting these questions.

Mr. T. M. Krishna Menon.—Did you read the second part of the answer?

Mr. A. B. Salem.—That is why I ask whether any of these buildings are in existence for being used?

Mr. T. M. Krishna Menon —Notice.

Mr. A. B. Salem.—How many buildings were there at the time of acquisition and how many are there now?

Mr. T. M. Krishna Menon.—Unless I go and see how can I answer?

Mr. A. B. Salem.—What is the amount realised by the sale of these buildings?

Mr. T. M. Krishna Menon.—I may be able to give it but not now.

Mr. A. B. Salem.—Will the Government be pleased to state how Rs. 2,964—2—0, the excess of the amount asked for, was incurred and when that amount was covered by sanction?

Mr. T. M. Krishna Menon.—This question could have been put directly. Without notice I cannot answer that. You could have asked it as a main question.

Mr. A. B. Salem.—The amount asked for in this House was Rs. 20,000 and the amount spent in excess of the amount

LIBRARY ARCHIVES Kerala Legislative Assembly

asked for is Rs. 2,964—2—0. I ask whether that was covered by sanction and if so how. That is a direct question.

President.—Have you got any information, any answer to the question?

Mr. T. M. Krishna Menon.—No.

Mr. A. B. Salem.—May I know how long is it, since acquisition proceedings have taken place, that this amount has been uncovered by the sanction of this Council?

Mr. T. M. Krishna Menon.—That was in 1104.

Mr. A. B Salem.—May I know the reasons why for the last two years this matter has not come before this Council?

Mr. T. M. Krishna Menon.—I want notice.

Mr. A. B. Salem.—May I know what that provision 16(1) is? I beg to submit that there is no such provision. Section 16(1) does not relate to the taking of possession before the passing of the award.

Mr. T. M. Krishna Menon —May not.

Mr. A. B. Salem.—Is not. That is the reason why I am asking whether the provision was read before the answer was made.

Mr. T. M. Krishna Menon.—We both read it long long ago.

Mr. A. B. Salem.—The Government cannot say publicly things which are not in the provision. This particular provision relates only to arable lands and lands under railway authorities.

President.—You must not make statements.

Mr. A. B. Salem.—I ask whether that provision was read?

Mr. T. M. Krishna Menon.—By whom? Unless the question is made definitely—I do not know whom the Hon'ble Member means by asking whether the provision was read Several people may have read it.

Mr. A. B. Salem.—I take it that the answer is framed by the Government. The Hon'ble Member is only a spokesman of the Government.

President.—What is the question?

Mr. A. B. Salem.—Under this provision, is the Diwan authorised to order the taking possession of properties prior to the passing of the award?

President.—The presumption will be that.

Mr. A. B. Salem.—The expression is there. I want to know whether the provision was read.

President.—Any other question?

Mr. A. B. Salem.—May I know whether you asked the latter to surrender the building?

Mr. T. M. Krishna Menon.—I did.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. A. B. Salem.—What steps were taken?

Mr. T. M. Krishna Menon.—The award was passed and it was disposed under the Regulation.

Mr. A. B. Salem.—Before taking possession was any other step taken?

Mr. T. M. Krishna Menon.—I tried my best to induce Mr. Salem to give up the building trusting that he would give up possession, but he prevaricated.

Mr. A. B. Salem.—May I know whether any other step than prevarication and inducement, was taken?

Mr. T. M. Krishna Menon.—No other effective step was taken.

Mr. A. B. Salem.—Was there any police sent to the building?

Mr. T. M. Krishna Menon.—No.

Mr. A. B. Salem.—Was the Magistrate sent for?

Mr. T. M. Krishna Menon.—No.

Mr. A. B. Salem.—Did the Magistrate go to the place?

Mr. T. M. Krishna Menon.—I do not know.

LIBRARY ARCHIVES Kerala Legislative Assembly